

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE TESLA, INC. SECURITIES
LITIGATION

Case No. [18-cv-04865-EMC](#)

**ORDER REGARDING VOIR DIRE
AND THE REVISED JOINT EXHIBIT
LIST**

Docket Nos. 475, 509

The Court's proposed questions for the jury questionnaire are reproduced below. The questionnaire will include standard questions from the Northern District (Questions 1–25) as well as case-specific questions incorporated from the parties' proposed voir dire questions. *See* Docket No. 475. The parties must file any objections to the Court's proposed questions by December 30, 2022.

In light of the number of objected-to exhibits on the revised joint exhibit list, by December 30, 2022, the parties must also jointly file an updated revised exhibit list that divides the exhibits into three categories: (1) certainly to be sought to be admitted at trial; (2) likely to be sought to be admitted at trial; and (3) least likely to be sought to be admitted at trial. The Court is endeavoring to focus the parties on the major exhibits and thereby conserve resources. While the Court recognizes that strategy may evolve over the course of the trial, the Court cautions the parties that significant discrepancies between the parties' representations regarding the categorized exhibits and the exhibits used at trial may result in sanctions.

IT IS SO ORDERED.

Dated: December 20, 2022



EDWARD M. CHEN
United States District Judge

1. Name
2. Age
3. City or town of residence
4. How many years have you lived there?
5. Where were you born?
6. What is your current employment status?
 - a. Working full-time
 - b. Working part-time
 - c. Unemployed – looking for work
 - d. Unemployed – not looking for work
 - e. Homemaker
 - f. Full-time student
 - g. Retired
 - h. Disabled
7. What is your occupation? (If not currently employed, please name your most recent prior occupation).
8. Who is (or was) your employer?
9. How long have you worked for this employer (or how long did you work there)?
10. Please answer the following about your education, or enter “none” if not applicable:
 - a. What is the highest level of education you completed?
 - b. What college and/or vocational schools have you attended?
 - c. What was your major area of study?
11. What is your marital status?
 - a. Single
 - b. Married or living with partner
 - c. Separated or divorced
 - d. Widowed
12. If you have children, please list their age(s) and occupation/employer if appropriate.
(If you do not have children, please enter “none.”)
13. Please list the occupation/employer of your spouse, partner, or any other adults who live with you. (If you do not live with other adults, please enter “none.”)
14. Have you ever served on a jury before? If yes: when and where?

15. Did the jury/juries you served on reach a verdict?

- a. No
- b. Yes
- c. Mixed (some did and some did not reach a verdict)
- d. Have not served on a jury

16. Were the jury/juries you served on civil or criminal?

17. Were the jury/juries you served on in municipal/state court or in federal court?

18. Do you have any religious views which might affect your service as a juror? If yes: please explain.

19. Have you or any close relatives been the victim of any kind of crime? If yes: please describe the crime and circumstances.

20. Are any members of your immediate family employed by law enforcement? If yes: please describe.

21. Would you tend to believe or disbelieve the testimony of a law enforcement officer based on their profession? If yes: please explain.

22. If you were to serve as a juror in a criminal case, would you have any difficulty with the fact that the defendant in a criminal case is not required to testify? If yes: please explain.

23. Have you or a close friend or relative ever been discriminated against because of race, ethnic background, gender, religion, disability, sexual identity or preference, or economic status? If yes: please explain.

24. Do you have any strong feelings about awarding money to a winning party in a civil case? If yes: please explain.

25. Have you, your relatives, or anyone close to you ever been involved in a lawsuit of any kind either as a plaintiff, defendant, or witness? If yes: please explain.

26. In what organizations are you an active participant?

27. What are your hobbies?

28. Have you ever served in the military?

29. This case is expected to last approximately 3 weeks. Trial days are 8:30 am to 1:30 pm, every day except Thursdays. Is there any reason why it would be impossible or extremely difficult to serve as a juror in this case?

30. The Court will observe health and safety protocols, including requiring all participants, including jurors, to wear masks (except for the attorney questioning the witness and the

testifying witness), spacing jurors to allow for social distancing, maximizing fresh air intake in the court's ventilation system, and limiting trial hours. Do you or members of your household have any health conditions or concerns which would interfere with your ability to serve as a juror in this case?

31. Which race do you identify with?

- a. African American/Black
- b. American Indian/Native Alaskan
- c. Asian
- d. Caucasian/White
- e. Hispanic
- f. Multi-Racial
- g. Native Hawaiian/Pacific Islander
- h. Other (please specify)

32. What is your gender?

- a. Male
- b. Female
- c. Non-binary

33. This is a class action case brought against Elon Musk, Tesla, Inc., and members of Tesla's Board of Directors arising from statements Musk made in August of 2018 regarding the potential for Tesla going private. The named plaintiff in this case is an investor named Glen Littleton. Mr. Littleton, who represents a class of people who bought and sold Tesla securities during August 2018, claims that certain statements were false and violated federal securities laws. Defendants deny the claims. Do you know anything about this case or the events described? Is there any reason why you believe you could not serve as a fair and impartial juror on this case?

34. What experience do you have investing in stocks?

35. Do you own or have you ever owned stock in Tesla?

36. What, if anything, do you use Twitter for?

37. Which websites, social media platforms, newspapers, television channels, and/or radio stations do you get your news?

38. What experience, if any, do you have with: the federal securities laws; corporate finance; or private equity?

39. What opinions do you have about class action lawsuits, if any?

- 1 40. Have you had any education or experience in business or accounting?
- 2 41. Have you ever been involved in any type of legal proceeding?
- 3 42. Have you, or has anyone close to you, worked for Tesla or been involved in the electric
- 4 vehicle business?
- 5 43. Are you, or is anyone close to you, involved in the securities industry?
- 6 44. Under the law, corporations and individuals are treated equally. Will anyone here have
- 7 difficulty following that law or has objections to that law?
- 8 45. Do you now, or have you ever, owned a Tesla?
- 9 46. What do you think about Tesla?
- 10 47. What do you think about Elon Musk?
- 11 48. Do you use social media? Twitter? If yes, how often?
- 12 49. If a business understanding isn't memorialized in an agreement would that cause you to
- 13 doubt its existence?
- 14 50. Have you ever had to make an important split-second decision?
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